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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

Case No. 2:20-mj-00903-DJA

11 Plaintiff,

**Stipulation to Continue the Preliminary
Hearing (Second Request)**

12 v.

13 ANTWINE D. HUNTER,

14 Defendant.

15 It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United
16 States Attorney, through Jim W. Fang, Assistant United States Attorney, and Raquel Lazo,
17 Assistant Federal Public Defender, counsel for Defendant, that the preliminary hearing in
18 the above-captioned matter, previously scheduled for May 10, 2021, at 4:00 p.m., be vacated
19 and continued until a time convenient to the Court, but no earlier than 90 days from the
20 current setting.

21 1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the
22 defendant’s consent and upon a showing of good cause—taking into account the public
23 interest in the prompt disposition of criminal cases—a magistrate judge may extend the time
24 limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the

1 potential to resolve this matter before defendant is formally charged by a criminal
2 indictment.

3 2. In that regard, the parties have engaged in plea negotiations and have a
4 tentative agreement in place that still needs to be finalized. Additionally, once any plea
5 agreement is submitted to the district court, it also needs time to review and consider the
6 plea agreement and hold a change of plea hearing.

7 3. This continuance is not sought for the purposes of delay, but to allow the
8 parties to finalize a pre-indictment resolution.

9 4. Defendant is in custody and agrees to the continuance.

10 5. Denial of this request could result in a miscarriage of justice, and the ends of
11 justice served by granting this request outweigh the best interest of the public and the
12 defendants in a speedy trial.

13 6. The additional time requested by this stipulation is excludable in computing
14 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
15 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

17 DATED this 3rd day of May, 2021.

18 CHRISTOPHER CHIOU
19 Acting United States Attorney

20 *s/ Jim W. Fang*
21 JIM W. FANG
Assistant United States Attorney
Counsel for the United States of America

20 *s/ Raquel Lazo*
21 RAQUEL LAZO
Assistant Federal Public Defender
Counsel for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

V.

ANTWINE D. HUNTER,

Defendant.

Case No. 2:20-mj-00903-DJA

FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution. The parties have a tentative agreement in place that still needs to be finalized. Additionally, once any plea agreement is submitted to the district court, it also needs time to review and consider the plea agreement and hold a change of plea hearing. The Court finds good cause to continue the hearing to allow the parties to finalize a pre-indictment resolution.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is in custody and agrees to the continuance.

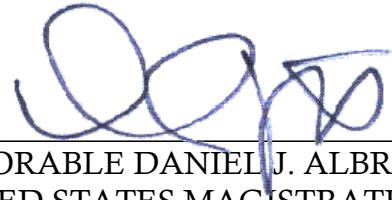
4. The continuance is not sought for the purposes of delay, but to allow defense counsel an opportunity to examine the merits of this case before a potential resolution can be reached between the parties.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

1 6. The additional time requested by this stipulation is excludable in computing
2 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
3 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

4 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearings in the
5 above-captioned matter, previously scheduled for May 10, 2021, at 4:00 p.m., be vacated
6 and continued to August 9, 2021, at 4:00 p.m.

7 DATED this 4th day of May, 2021.



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9 HONORABLE DANIEL J. ALBREGTS
10 UNITED STATES MAGISTRATE JUDGE

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